

## **REMARKS**

After the foregoing amendment, claims 3-16 are pending in the application.

### **Objection to the Specification**

The Examiner has objected to the specification because it has several missing Serial Numbers. Applicants have responded to the objection by amending the specification with the missing Serial Numbers.

### **Objection To the Drawings**

The Examiner has objected to Figures 1, 2a, 2b, 3, 4a, 4b, 7, and 10 under 37 CFR 1.84(c) because the Examiner asserts that they should be designated by a legend such as —Prior Art— and they are difficult to understand.

Applicants have responded to the objection by attaching hereto replacement drawings for Figures 1, 2a, 2b, 3, 4a, and 4b which now contain —Prior Art— legends and are easier to understand. Replacement drawings have been provided for Figures 7 and 10. However, Figures 7 and 10 have not been designated by a legend such as —Prior Art— because these Figures illustrate embodiments of the invention.

### **Allowable Claims**

Applicants appreciate the Examiner's indication that claims 3-15 would be allowable if rewritten in independent form including all the limitations of the respective base and intervening claims.

Applicants have elected to rewrite claim 3 in independent form including all of the limitations of claim 1 from which it depended. Also, claim 3 has been amended to provide proper antecedent basis. No new matter has been added.

Rejections Under 35 U.S.C. § 103(a)

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent number 6,354,188 issued to Keskitalo et al. on February 5, 2002 in view of "On the Capacity of Multiple Input Multiple Output Broadcast Channels" by Sriram Vishwananth et al. or "Writing on Dirty Paper" by Max Costa published in 1983.

Claims 1 and 2 have been canceled.

New Claim

New claim 16 has been added. Claim 16 is the originally filed claim 2, rewritten to depend from claim 3. Claim 16 is submitted to be allowable based on its dependency from claim 3.

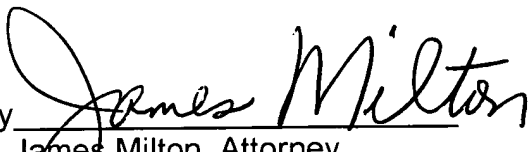
Conclusion

In view of the foregoing amendments and remarks, applicants submit that this application is in condition for allowance, and reconsideration is therefore respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to contact the undersigned to resolve the issues.

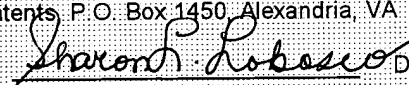
Respectfully submitted,

Gerard J. Foschini

Syed Jafar

By   
James Milton, Attorney  
Reg. No. 46935  
(732) 949-7365

Date: 1/18/05

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop Amendment  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Jan. 18, 2005  
 Date 1/18/05  
Sharon L. Lobosco